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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Larry Moriarty	)	Group Art Unit: 3643
	)	
Serial No.: 09/758,738	)	Examiner: Parsley, David J.
	)	
Filed: January 10, 2001	)	
	)	Docket No.: 10420-1080

For: **TELESCOPIC POULTRY SHACKLE )**

**DECLARATION UNDER RULE 132**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. My name is Peter H. Goffe and I have been working in the field of designing and manufacturing poultry processing equipment for approximately 20 years. I am President of Dapac, Inc. 884 Univeter Road Canton, Georgia 30115.
2. I am very familiar with the telescopic poultry shackle ("New Shackle") that is described in the above identified patent application.
3. The New Shackle has enjoyed considerable commercial success since its introduction in the summer of 2001. Sales of cutting lines sold incorporating the New Shackle from its introduction in 2001 to date have been approximately \$7,604,000.00. Sales have been made to some of the leaders in the poultry processing industry, such as Tyson Foods, ConAgra and Pilgrim.
4. Prior to the development of the New Shackle the cut-up lines in poultry processing plants had no method to weigh the bird. It was necessary to weigh the bird prior to being placed on the cut-up line. The invention of the New Shackle enabled the cut-up function and the weighing function to be combined in the same line. We had received repeated requests from most of our customers for us to do something so that these two functions

could be combined which would reduce the number of processing steps to permit higher line speeds in processing and thus reducing costs.

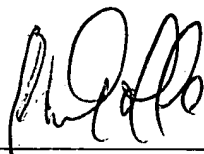
5. This New Shackle has given Dapec, Inc., an edge in the market place in that the weighing and cutting can be done on the same line. As a result Dapec's share of the market for poultry cutting lines is approximately to 50% now. Approximately 60% of the new cutting lines sold by Dapec are equipped with the New Shackle. I believe that Dapec would not have that high a market share without the New Shackle.

6. The competitors of Dapec have processing lines where the bird is taken out of the shackle and weighed, but they may have a shackle machine to put the legs of the bird back into the shackle in the processing line for cutting. These shackling machines require extra space which is at a premium in a poultry processing plant and of course like all machines they require maintenance. More importantly, these shackling machines are not 100% accurate in placing the legs of the bird back in the shackle, so sometimes this step has to be done by hand. In addition, sometimes these shackling machines fail to work which requires that the legs of the bird be put back in the processing line by hand, which is labor intensive and may slow down the speed of the processing line. The design of the New Shackle allows it to be rigid when the bird is cut to insure the accuracy of the cut and to be telescopic to weigh the bird. The telescopic shackle basically serves three functions. In the first place, it allows for the bird to be accurately weighed. Secondly, the New Shackle is designed so that it can be accurately guided through the various cut-up modules in the processing line. Thirdly, the New Shackle can be held rigid when the cuts to the bird are made to insure the accuracy of the cut. This involves extra handling which is expensive.

7. Our customers (poultry processing plants) have been favorably impressed with our New Shackle as it allows them to accurately weigh the bird in the cutting line. I know of no other commercial method by which the bird can be accurately weighed in the cutting line other than with the New Shackle. Because the New Shackle is telescopic it results in more accurate weighing of the bird, because only the bird and a small portion of the shackle are weighed and it is easy to determine the weight of the small portion of the shackle that is weighed.

I have nothing further to state.

I hereby declare: (a) that all statements made herein of my own knowledge are true; (b) that all statements made on information and belief are believed to be true; (c) that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and (d) that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



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Peter Goffe, President